



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

JAN 06 2017

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Justin Taylor, Mayor  
City of Carbondale  
1 North Main Street  
Carbondale, Pennsylvania 18407-2356

Subject: Clean Water Act Section 308 Information Requirement

Dear Mr. Taylor:

The enclosed Information Requirement is issued this date pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318, requires the City of Carbondale (City) to provide information about its municipal separate storm sewer system (MS4) program. It is mandatory that the City provide this information. You must respond in accordance with the instructions and deadlines set forth in the enclosed Information Requirement.

Pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), you are hereby required to submit to EPA the information requested in this letter. If you fail to properly respond to the request, you may be subject to penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act 33 U.S.C. § 1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to \$37,500 per day of violation. You also may be subject to criminal penalties pursuant to Section 309(c) of the Act, 33 U.S.C., for negligently or knowingly providing false information in response to this request. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to you.



If you have any questions about this Information Requirement, you may contact Ms. Joy Gillespie at (215) 814-2793.

Sincerely,



David B. McGuigan, Ph.D.  
Associate Director  
Office of NPDES Permit and Enforcement  
Water Protection Division

Enclosure

cc: Paul Grella, PADEP-NERO



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

|                      |   |                                     |
|----------------------|---|-------------------------------------|
| In The Matter of:    | : |                                     |
|                      | : |                                     |
|                      | : | Proceeding under Section 308 of the |
|                      | : | Clean Water Act, 33 U.S.C. § 1318   |
| City of Carbondale   | : |                                     |
| 1 North Main Street  | : |                                     |
| Carbondale, PA 18407 | : | <b>INFORMATION REQUIREMENT</b>      |
|                      | : |                                     |
| Respondent           | : |                                     |
|                      | : |                                     |
|                      | : |                                     |
|                      | : |                                     |

**I. STATUTORY AUTHORITY**

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA or Act), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III, who in turn has delegated it to the Director of the Water Protection Division of EPA Region III who in turn has delegated it to the Associate Director of the Office of NPDES Permits and Enforcement. EPA hereby requires that the City of Carbondale (City) provide detailed information regarding compliance with the CWA.

**II. STATUTORY AND REGULATORY BACKGROUND**

2. Section 301 of the CWA, 33 U.S.C. § 1311, prohibits the discharge of any pollutant by any person except in compliance with, among other things, a NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. The discharges are subject to specific terms and conditions as prescribed in the permit. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), states may be authorized to administer the NPDES permit program.
3. EPA authorized PADEP to issue general NPDES permits in 1991 under Section 402(b) of the Act, 33 U.S.C. § 1342(b). PADEP has issued two general permits covering discharges from Small MS4s: the first in 2003 and a subsequent permit which became effective in 2013 (collectively PAG-13). On February 28, 2005 the City submitted a Notice of Intent (NOI) to be covered under the 2003 PAG-13 and was granted coverage. On January 3, 2013, the City submitted an NOI for a renewal of its permit coverage under the revised 2013 PAG-13 and was granted coverage. Therefore, the City has been subject to the requirements of PAG-13 since February 2005.

4. The requirements of the 2003 PAG-13 and the 2013 PAG-13 are substantially similar; requiring the development and implementation of a stormwater management program (SWMP) consisting largely of six minimum control measures (MCMs): 1) public education and outreach; 2) public participation and involvement; 3) illicit discharge detection and elimination; 4) construction site runoff control; 5) post-construction stormwater management; and, 6) pollution prevention and good housekeeping for municipal operations and maintenance.
5. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the Act available, including but not limited to:
  - (a) Developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
  - (b) Determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
  - (c) Any requirement under Section 308 of the CWA; and
  - (d) Carrying out Sections 305, 311, 402, 404, and 504 of the CWA.
6. Any failure to respond as directed is punishable under the civil and criminal provisions of Section 309 of the Act, which provide for the assessment of penalties, injunctive relief and imprisonment.

### **III. INSTRUCTIONS**

7. Provide a separate narrative response for each question and for each subpart of each question set forth below. Precede each answer with the corresponding number of the question to which it responds.
8. Identify each person responding to any question contained in this Information Requirement on behalf of the City, as well as each person consulted in the preparation of the response.
9. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.

10. Indicate on each document produced in response to this Information Requirement, or in some other reasonable manner, the number of the question to which it corresponds.
11. If requested information or documents are not known or are not available at the time of your response to this Information Requirement, but later become known or available, the City must supplement its response to EPA. Moreover, should the City find at any time after submission of its response that any portion is or becomes false, incomplete, or misrepresents the facts; the City must provide EPA with a corrected response as soon as possible.
12. Section 308 of the Act, 33 U.S.C. § 1318, requires the City to provide accurate and complete information in response to the questions contained in this request. All submissions provided pursuant to this Section 308 Requirement shall be signed and dated by a responsible official of the City and must include the following certification:

***“I certify that the information contained in or accompanying this submission is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I certify as having responsibility for the persons who, acting under my direct instruction, made the verification that this information is true, accurate, and complete.*”**

Signed \_\_\_\_\_  
Title \_\_\_\_\_

13. Submit your response to:

Joy Gillespie (3WP42)  
NPDES Enforcement Branch  
Water Protection Division  
U. S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103

If you have questions regarding this Information Requirement, you may contact Ms. Gillespie of the NPDES Enforcement Branch at (215) 814-2793.

#### **IV. DEFINITIONS**

14. The terms “document” and “documents” shall mean any format that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format,



memory, or storage device, or in hard copy, including any form or format of these types. If in computer format or memory, each such document shall be provided in a translated form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include: (a) a copy of each document which is not an exact duplicate of a document which is provided; (b) each copy which has any writing, notation, or the like on it; (c) drafts; (d) attachments to or enclosures with any document; and (e) every other document referred to or incorporated into each document. *With respect to publicly available documents (e.g. documents available on the City website), the City may provide a hyperlink to those documents, rather than a copy of the documents.*

15. The term "identify" with respect to a natural person means to provide that person's name, address, telephone number, title, and relationship to the City. The term "identify" with respect to a business entity means to provide that entity's name, address, and relationship to the City, and to provide the name, address, telephone number, and title of an individual who can provide information related to, and on behalf of, the entity.
16. The term "day" shall mean a calendar day. In computing any period of time under this Information Requirement pursuant to Section 308, where the last day would fall on a Saturday, Sunday, federal or state holiday, the period shall run until the close of the next business day.

## **V. INFORMATION REQUIRED**

AND NOW, this 5<sup>TH</sup> day of JANUARY, 2017, the City is hereby directed, pursuant to Section 308 of the Act, 33 U.S.C. § 1318, to provide the following information, no later than 45 days from the effective date of this Information Requirement.

17. Provide a copy of the City's written Public Education and Outreach Program (PEOP) plan, as per Appendix A, MCM#1, BMP#1. In addition, please provide documentation of how the PEOP plan has been implemented.
18. Describe how the PEOP is designed to achieve measurable improvements in the target audience's understanding of the causes and impacts of storm water pollution and the steps one can take to prevent storm water pollution, as written as a Measurable Goal under MCM #1, BMP #1.
19. Provide a list of target audience groups that are present within the areas served by your regulated MS4, as per Appendix A, MCM#1, BMP#2.
20. Provide a copy of the City's 2014, 2015 and 2016 annual publication that includes stormwater educational information, a general description of your Stormwater Management Program, and/or

information about your stormwater management activities, as per Appendix A, MCM#1, BMP#3. Also include, as per Appendix A, MCM#1, BMP#3, documentation of the City's review and updating of the list of publications and the content of the publications that is required to be conducted at least once during each year of permit coverage.


21. Provide documentation of the two methods used to distribute storm water educational materials and/or information to the target audiences in 2014, 2015 and 2016, as per Appendix A, MCM#1, BMP# 4.
22. Provide a copy of the City's written Public Involvement and Participation Program (PIPP), as per Appendix A, MCM#2, BMP#1.
23. Describe and provide documentation on how the city regularly solicits public involvement and participation from the target audience groups as per Appendix A, MCM#2, BMP#3.
24. Provide a copy of the City's written Illicit Detection and Elimination Program (IDDE), as per Appendix A, MCM#3, BMP#1.
25. Provide a map(s) of the City's MS4 system which includes outfalls, receiving waters, inlets, piping, channels, swales, catch basin, etc., and any other features of the City's storm sewer system including municipal boundaries and/or watershed boundaries, as per Appendix A, MCM#3, BMP#2 and BMP#3. The map(s) may be submitted in an electronic format.
26. Provide an inventory of the City's outfall field screenings conducted since January 3, 2013, as per Appendix A, MCM#3, BMP#4.
27. Provide a copy of City's storm water ordinance, as per Appendix A, MCM#3, BMP#5.
28. Provide documentation of educational outreach to public employees, business owners and employees, property owners, the general public and elected officials about the program to detect and eliminate illicit discharges, as per Appendix A, MCM#3, BMP#6. Describe the method used to distribute the appropriate educational material.
29. Describe in detail the City's complaint tracking system for illicit discharge as per Appendix A, MCM#3, BMP#6, Measurable Goals. Provide documentation of all illicit discharge responses which should include the action taken, the time required to take action, whether the complaint was resolved successfully.
30. Provide a copy of the City's ordinance or other regulatory mechanism to address post-construction storm water runoff from new development and redevelopment projects, as per Appendix A, MCM#5, BMP#4.

31. Provide a copy of the City's inspection plan which ensures storm water BMPs are properly operating and maintained. Include a copy of your tracking system (e.g. database, spread sheet, or written list) used to track BMP inspections and to track results of the inspection since January 3, 2013, as per Appendix A, MCM#5, BMP#4 Measurable Goal.
32. Provide documentation detailing the City's development and implementation of measures to encourage and expand the use of Low Impact Development in new and redevelopment, as per Appendix A, MCM#5, BMP#5
33. Provide an inventory of post construction storm water management BMPs installed since March 10, 2003, that discharge directly or indirectly to the City's regulated small MS4, as per Appendix A, MCM#5, BMP#6
34. Provide a copy of the City's written operation and maintenance (O&M) plan that addresses housekeeping and pollution prevention at municipal facilities, as per Appendix A, MCM#6, BMP#2.
35. Provide a copy of the City's written municipal employee good housekeeping and pollution prevention training program as per Appendix A, MCM#6, BMP#3.
36. Provide a copy of the City's Chesapeake Bay Pollutant Reduction plan.

#### **VI. EFFECTIVE DATE**

37. The effective date of this Information Requirement shall be the date it is received by the City.

Date: 1/5/17

  
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for  
David B. McGuigan, Ph.D.  
Associate Director  
Office of NPDES Permits & Enforcement  
Water Protection Division